

REMARKS

In the Office Action, the Examiner¹ rejected claims 35 and 38-42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-16 of U.S. Patent No. 6,674,511; and objected to claims 44 because of informalities. The Examiner allowed claims 24-34 and further indicated that claims 35-43 would be allowable if a terminal disclaimer were filed. Applicants thank the Examiner for the indication of allowable subject matter.

With respect to the Examiner's finding regarding priority, Applicants respectfully submit that the certified copies of priority documents are reported as filed in the parent case (U.S. Patent 6,674,511 B2, Application No.: 09/923,443) on PAIR, with a mail room date of August 8, 2001. Applicants also note indication within the U.S. Patent and Trademark Office Notice of Allowance in the parent application, with a mail room date of July 8, 2003, that priority is affirmed and the aforementioned priority documents are all indicated as received. If necessary, Applicants can provide a courtesy copy for the Examiner of the priority and supporting documentation. Given the above, Applicants respectfully request that the Examiner indicate that all necessary priority documents have been received in support of Applicants' claim for priority under 35 U.S.C. § 119.

Applicants have amended claim 44 as required by the Examiner to overcome the objection to the lack of antecedent basis. Applicants respectfully request that the Examiner withdraw the objection in view of the amendment and allow pending claim 44.

¹ Applicants note that the Examiner listed claim 43 as objected to on the coversheet, but stated claim 41 is "objected to as being dependent upon a rejected base claim," in the Office Action at page 3. Applicants request clarification as to whether the Examiner objects to claim 41 or 43.

The Examiner rejected claims 35 and 38-42 under the judicially created doctrine of obviousness-type double patenting (hereafter the "double patenting rejection") as being unpatentable over claims 12-16 of U.S. Patent No. 6,674,511. Applicants traverse the double patenting rejection, but to advance the prosecution, file concurrently herewith a terminal disclaimer as required by the Examiner. Accordingly, Applicants respectfully request that the Examiner withdraw the double patenting rejection and allow claims 35 and 38-42.

In view of the attached terminal disclaimer and the aforementioned amendment to claim 44, Applicants submit that all pending claims, 24-44, are now in condition for allowance as indicated by the Examiner.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 15, 2005

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Attachments: Terminal Disclaimer